

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KELLY MACNEAL,

Plaintiff,

ORDER

-against-

24-CV-6017 (LGS) (JW)

STATE OF NEW YORK *et al.*,

Defendants.

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JENNIFER E. WILLIS, United States Magistrate Judge:

On April 7, 2025, both the City and State Defendants filed motions to dismiss the complaint in this matter. Dkt. Nos. 73–77. The State Defendants also filed a declaration from Chelsea John and attached several documents not included in the complaint. Dkt. No. 76. In accordance with Local Rule 12.1, the State Defendants filed a notice to *pro se* Plaintiff that the State Defendants relied on materials outside of the complaint. Dkt. No. 78. The notice also states:

the Court may treat this motion as a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. For this reason, THE CLAIMS YOU ASSERT IN YOUR COMPLAINT MAY BE DISMISSED WITHOUT A TRIAL IF YOU DO NOT RESPOND TO THIS MOTION ON TIME by filing sworn affidavits as required by Rule 56(c) and/or other documents. The full text of Rule 56 of the Federal Rules of Civil Procedure is attached.

Id. On April 22, 2025, in response to the notice, *pro se* Plaintiff filed a request to extend her deadline to oppose the motions to dismiss based on her belief that “Defendant (The State) now seeks, not only a motion to dismiss, but a Rule 12 motion (ECF No. 78) demanding Plaintiff prove her case in advance of discovery or submit to summary judgment.” Dkt. No. 80. *Pro se* Plaintiff also stated an extension was

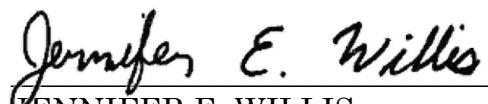
warranted because she was “slowed down and impeded by struggles with the migraines and effects of her disability, central to this case.” Id. On April 24, 2025, this Court granted Plaintiff’s request for an extension to oppose the motions to dismiss. Dkt. No. 81.

On May 14, 2025, *pro se* Plaintiff filed an “order to show cause to compel answers to” her discovery requests. Dkt. No. 84. The State Defendants opposed the request to compel discovery because, amongst other things, discovery is not warranted at this stage of this case and the Court has not indeed converted the motion to dismiss into one for summary judgment. Dkt. 85. *Pro se* Plaintiff filed a reply in support of the letter motion to compel discovery requesting that the Court order both Defendants to produce discovery so that she may oppose any motion for summary judgement. Dkt. No. 86.

On June 10, 2025, this Court held a telephone status conference where all the Parties were present. For the reasons stated in detail during the conference, Plaintiff’s motion to compel discovery is **DENIED**. Plaintiff’s deadline to oppose the motions to dismiss is extended to **July 16, 2025**, and Defendants deadline to reply is extended to **August 1, 2025**. Defendants are directed to order a copy of the transcript of the June 10th conference and serve a copy on the Plaintiff.

SO ORDERED.

DATED: New York, New York
June 10, 2025


JENNIFER E. WILLIS
United States Magistrate Judge